

**DURHAM, NORTH CAROLINA  
MONDAY, DECEMBER 6, 1999  
7:30 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Absent: None.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, Deputy City Clerk D. Ann Gray and Administrative Assistant Linda E. Bratcher.

Mayor Tennyson called the organizational meeting to order:

**CITY COUNCIL ORGANIZATIONAL MEETING  
MONDAY, DECEMBER 6, 1999  
7:30 P.M.**

**A. DURHAM COUNTY BOARD OF ELECTIONS MATTERS**

**1. 1999 Municipal Primary and Municipal City Elections**

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Miller to authorize payment for the 1999 Municipal Elections was approved at 7:33 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**2. Certification of November 2, 1999 Municipal Election**

Jane Touhey-Ryan, Chairman of the Durham County Board of Elections, presented a certified copy of the abstract of votes for the Municipal Election to Deputy City Clerk D. Ann Gray.

**MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to receive the abstract of the original returns of the 1999 City of Durham Municipal Election was approved at 7:34 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Brown, Burnette, Cox, Engelhard, Griffin, Jacobs, Langley, Larson, McKissick and Miller. Noes: None. Absent: None.

**[Abstract of votes cast in the Municipal Election for Mayor and for City Council Wards 2; 4; and 6; and three At-Large Seats on Tuesday, November 2, 1999 in the City of Durham, County of Durham, State of North Carolina]**

<b>For Mayor:</b>	<b>Nicholas J. Tennyson</b>	<b>17,119</b>
<b>Ward 2</b>	<b>Angela V. Langley</b>	<b>13,067</b>
<b>Ward 4</b>	<b>Lewis A. Cheek</b>	<b>14,264</b>
<b>Ward 6</b>	<b>Jacqueline D. Wagstaff</b>	<b>12,292</b>

<b>At-Large</b>	<b>Tamra Edwards</b>	<b>12,061</b>
	<b>Dan Hill, III</b>	<b>13,808</b>
	<b>Thomas Stith, III</b>	<b>15,429</b>

#### **B. PRESENTATION OF SERVICE PLAQUES BY MAYOR NICHOLAS J. TENNYSON**

Service plaques were presented by Mayor Tennyson to the following individuals: Council Members Cynthia D. Brown; Tyrone Cox; Virginia Engelhard; Kimball Griffin, Sr.; and Paul Miller.

#### **C. SWEARING IN AND QUALIFYING OF MAYOR BY CITY CLERK**

Deputy City Clerk D. Ann Gray administered the oath of office to Nicholas J. Tennyson as Mayor of the City of Durham.

#### **D. SWEARING IN AND QUALIFYING OF CITY COUNCIL MEMBERS BY CITY CLERK**

Deputy City Clerk D. Ann Gray administered the oath of office to the following Council Members: Lewis A. Cheek; Tamra Edwards; Dan Hill, III, Angela V. Langley; Thomas Stith, III; and Jacqueline D. Wagstaff.

#### **E. NEWLY SWORN COUNCIL MEMBERS TAKE THEIR SEATS**

After the swearing in of the Mayor and Council Members, the following members were present at the meeting: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Absent: None.

#### **F. STATEMENTS BY NEW COUNCIL MEMBERS**

At this time, the newly elected Council Members recognized their families and friends thanking them for their support.

#### **G. DESIGNATION OF MAYOR PRO TEMPORE BY COUNCIL MEMBERS**

**MOTION** by Council Member Larson seconded by Council Member Jacobs to designate Howard Clement, III as Mayor Pro Tempore was approved at 8:21 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

#### **H. APPOINTMENT OF FINANCE AND PUBLIC WORKS COMMITTEE MEMBERS AND CHAIRS AND VICE CHAIRS BY MAYOR TENNYSON**

Mayor Tennyson read for the record the following recommendations for the two standing committees:

##### **Finance Committee**

Erick Larson, II (Chair)

##### **Public Works Committee**

Mary D. Jacobs (Chair)

Angela V. Langley (Vice Chair)  
Brenda Burnette  
Tamra M. Edwards  
Dan Hill, III  
Thomas A. Stith, III  
Mayor Nicholas J. Tennyson

Pamela Blyth (Vice Chair)  
Lewis A. Cheek  
Howard Clement, III  
Floyd B. McKissick, Jr.  
Jacqueline D. Wagstaff  
Mayor Nicholas J. Tennyson

[The Council recessed for ten minutes]

At this time, Mayor Tennyson called the December 6, 1999 City Council Meeting to order.

Mayor Pro Tempore Clement congratulated Mr. Pankey, Principal of Southern High School, for being named Principal of the Year.

Council Member Jacobs briefed the Council on the 1999 National League of Cities Conference in Los Angeles which she attended recently.

Mayor Tennyson stated that he and the Mayor Pro Tempore would be traveling to Pittsburgh, Pennsylvania and Ottawa, Canada to study the transit systems being used in those two cities.

The Mayor requested that the following item be added to the agenda:

**SUBJECT: SPECIAL JOINT CITY COUNCIL/DURHAM COUNTY BOARD OF COMMISSIONERS MEETING**

**MOTION** by Council Member Larson seconded by Council Member Blyth to add for discussion a Special Joint City Council/Durham County Commissioners Meeting on January 3, 2000 was approved at 8:36 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Mayor Tennyson asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Ewell requested that Consent Item 13 [Proposed Acquisition of Approximately 50 Acres of Park Land for Soccer Complex] be referred to the administration for one cycle in order for the staff to work through details involving the Northern Durham Parkway. Also, City Manager Ewell informed the council that for the past three years 58 homeowners in the Lakehurst Subdivision annexed in 1996 have not been billed for city taxes. Nav Gill, Finance Director, also briefed the council on the Lakehurst situation. City Manager Ewell stated he will report back to the council on this matter in the very near future.

There were no priority items from the City Attorney and City Clerk.

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in

the meeting. Carl Norris requested that Consent Item 11 [Contract WS-75] be pulled and Steve Hopkins requested that Consent Item 15 [Resolution Honoring Ann Denlinger] be pulled.

**MOTION** by Council Member Larson seconded by Council Member Blyth to approve the Consent Agenda as amended was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[CONSENT AGENDA]**

**SUBJECT: RESOLUTION OF THANKS TO EARL AND PEARL SQUIRREL AND ALL THE CITY'S PARK SQUIRRELS**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt a resolution recognizing the many contributions of our squirrel population to the City's campaign to encourage all its citizens to PLAY MORE, and extend special thanks to Earl and Pearl Squirrel for their tireless work on behalf of the City's Parks and Recreation Department was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: COUNCIL-INITIATED PUBLIC HEARING FOR REZONING CASE P99-84**

**MOTION** by Council Member Larson seconded by Council Member Blyth to set a Council-initiated public hearing on Tuesday, January 18, 2000 for the following rezoning request was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

Case: P99-84

Applicant: Goodwill Industries

Location: 3.7 acres at 930 East Main Street (Tax Map #133-1-1)

Request: Rezoning from I-2 (Light Industrial District) to GC(D) (General Commercial District with a Development Plan)

**SUBJECT: CITY/COUNTY PLANNING - ZONING ENFORCEMENT PROCESS**

**MOTION** by Council Member Larson seconded by Council Member Blyth to receive a report from the Administration on the zoning enforcement process was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: VOLUNTARY ANNEXATION PETITIONS - FY 2000-05, TRINITY SCHOOL; FY 2000-06, DONAD YOUNG CONSTRUCTION; FY 2000-07, LEVI TRACT; FY 2000-08, THRIFTY OFFICE FURNITURE; FY 2000-09; EVERGREENS AT MT. MORIAH; FY 2000-10, ELLIS ROAD DEVELOPMENT; AND FY 2000-11, LALILAB**

**MOTION** by Council Member Larson seconded by Council Member Blyth to receive a report from the Administration on the voluntary annexation petitions; and

To accept the City Clerk's certification of 100% ownership as required by N.C. General Statutes 160A-58 and 160A-31; and

To adopt resolutions scheduling public hearings on Monday, December 20, 1999, 7:30 p.m. to consider the annexations of Trinity School, Donald Young Construction, Levi Tract, Thrifty Office Furniture, Evergreens at Mt. Moriah, Ellis Road Development and Lalilab was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: UPPER CAPE FEAR RIVER BASIN ASSOCIATION**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt the attached resolution approving participation by the City as a dues-paying member in the Upper Cape Fear River Basin Association during FY 2000 at a cost of \$15,128 and future participation in subsequent fiscal years subject to the availability of funds in the annual budget was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONTRACT FOR ENGINEERING AND PROFESSIONAL SERVICES FOR THE TRANSFER STATION IMPROVEMENT PROJECT - HDR ENGINEERING, INC.**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to execute a contract with HDR Engineering, Inc. of the Carolinas for engineering and professional services in the amount of \$681,657 for the Transfer Station Improvement Project was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: GENERAL CONSTRUCTION CONTRACT FOR THE SOLID WASTE  
FACILITY, RIGGS-HARROD BUILDERS, INC.**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to enter into a contract with Riggs-Harrold Builders, Inc. in the amount of \$2,819,962 for the Solid Waste Facility; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contracts and the modifications are consistent with the general intent of the existing version of the contracts was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ASBESTOS REMOVAL AT THE SOLID WASTE INCINERATOR BUILDING  
- D. H. GRIFFIN WRECKING COMPANY, INC.**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to execute a change order in the amount of \$99,000 to the D. H. Griffin Wrecking Company, Inc. contract for asbestos removal at the Solid Waste Incinerator Building; and

To authorize the City Manager to modify the contract before execution provided the modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: WATER AND SEWER EXTENSION AGREEMENT - HOPE CREEK LTD.**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to enter into a Water and Sewer Extension Agreement with Hope Creek LTD. for the extension of water and sewer to serve Hope Creek Subdivision, a 59 acre single family subdivision located at the north end of Branchwood Drive and Sugar Pine Lane was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SEWER EXTENSION AGREEMENT - BENNIE M. BULLOCK AND ANNIE  
P. BULLOCK, 223 GOODWIN ROAD**

**MOTION** by Council Member Larson seconded by Council Member Blyth

to authorize the City Manager to enter into a Sewer Extension Agreement with Bennie M. Bullock and Annie P. Bullock to serve a single family lot at 223 Goodwin Road was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: CONSTRUCTION CONTRACT FOR HILLSIDE PARK POOL COMPLEX - D. W. WARD CONSTRUCTION COMPANY**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to enter into a contract with D. W. Ward Construction Company in the amount of \$745,254.00, with an additional \$25,000 contingency, for the construction of the new swimming pool complex at Hillside Park was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PROPOSED ACQUISITION OF APPROXIMATELY 50 ACRES OF PARK LAND FOR SOCCER COMPLEX, DURHAM RESEARCH PROPERTY, INC., TREYBURN**

To find that the soccer facility at Treyburn is 100% necessitated by new construction and that up to 50% of the capital costs of that project may be paid with parks and recreation impact fees collected in the same service zone and collected for the same purpose.

To find that the open space land acquisition located at the soccer facility at Treyburn is 100% necessitated by new construction and that up to 50% of the capital cost of that project may be paid with open space impact fees collected in the same service zone and collected for the same purpose.

To adopt the "City of Durham Capital Project Ordinance Concerning Park Land Acquisition in Treyburn."

To authorize the acquisition of approximately 50 acres, land only, Tax Map 848-02-001 and 950-01-001, property of Durham Research Property, Inc. for \$250,000, in order to create a soccer complex and open space.

Earlier in the meeting, City Manager Ewell requested that this item be referred to the administration for one cycle.

**MOTION** by Council Member Larson seconded by Council Member Blyth to refer this item to the administration for one cycle was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson,

McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: AMERICAN TOBACCO TRAIL PHASE D - REIMBURSEMENT AGREEMENT  
WITH NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt a "Capital Project Ordinance Superseding Ordinance #11710 Concerning Open Space and Greenway Preservation"; and

To find that the Riddle Road Spur of the American Tobacco Trail is at least 50% necessitated by new construction and that up to 25% of the capital costs of that section of the American Tobacco Trail project may be paid with impact fees collected within the same service zone and collected for the same purposes; and

To adopt a "Capital Project Ordinance Amending Ordinance #11711 Concerning American Tobacco Trail - Morehead Avenue to Cornwallis Road, Cornwallis Road to Highway 54 and the Riddle Road Spur"; and

To adopt a resolution authorizing the City Manager to enter into a Municipal Agreement with the North Carolina Department of Transportation for the construction of Phase D of the American Tobacco Trail was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BID REPORT - JULY 1999**

**MOTION** by Council Member Larson seconded by Council Member Blyth to approve and record in the minutes bids and items which were acted upon by the City Manager during the month of July 1999 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[See Attachment #1 for bid report]**

**SUBJECT: BID REPORT - AUGUST 1999**

**MOTION** by Council Member Larson seconded by Council Member Blyth to approve and record in the minutes bids and items which were acted upon by the City Manager during the month of August 1999 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[See Attachment #2 for bid report]**



**SUBJECT: BID REPORT - SEPTEMBER 1999**

**MOTION** by Council Member Larson seconded by Council Member Blyth to approve and record in the minutes bids and items which were acted upon by the City Manager during the month of September 1999 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[See Attachment #3 for bid report]**

**SUBJECT: BID REPORT - OCTOBER 1999**

**MOTION** by Council Member Larson seconded by Council Member Blyth to approve and record in the minutes bids and items which were acted upon by the City Manager during the month of October 1999 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[See Attachment #4 for bid report]**

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR DIESEL FUEL,  
HEATING OIL AND KEROSENE - COUCH OIL COMPANY OF DURHAM,  
INC.**

**MOTION** by Council Member Larson seconded by Council Member Blyth to accept the bid from Couch Oil Company of Durham, Inc. in the amount of \$305,952.50 for furnishing the City with its estimated annual requirements for diesel fuel, heating oil and kerosene; and

To authorize the City Manager to enter into a contract with Couch Oil Company of Durham, Inc., in the amount of \$305,952.50 for providing the City with its estimated annual requirements for diesel fuel, heating oil and kerosene; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: BIDS - ESTIMATED ANNUAL REQUIREMENTS FOR AGGREGATES -  
HANSON AGGREGATES**

**MOTION** by Council Member Larson seconded by Council Member Blyth

to accept the bid from Hanson Aggregates in the amount of \$203,087.50 for aggregates delivered (Section I), aggregates/customer pickup (Section II), and special aggregates delivered (Section III); and

To waive the requirement for a Performance Bond; and

To authorize the City Manager to enter into a contract with Hanson Aggregates in the amount of \$203,087.50 for providing the City with its estimated annual requirements for aggregates; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SETTING PUBLIC HEARINGS TO CONSIDER ORDERING CERTAIN PETITIONED IMPROVEMENTS**

**MOTION** by Council Member Larson seconded by Council Member Blyth to accept a Certificate of Sufficiency from the Manager of Engineering for each of the following petitions; and

To adopt resolutions setting public hearings on Monday, December 20, 1999 to consider ordering the improvements was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. **Curb, Gutter, and Paving - Shawnee Street** from the center line of Lynch Street to N&W Railway right of way; and
- b. **Curb, Gutter and Paving, Water Main and Water and Sewer Laterals - Biscayne Road** from N.C. Highway 54 to Dresden Drive and **Dresden Drive** from Biscayne Road to N.C. Highway 54.

**SUBJECT: TWENTY-FIVE MILE PER HOUR SPEED LIMIT - MARKHAM AVENUE**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt an ordinance authorizing a speed limit of 25 mph on Markham Avenue beginning at the east curb line of Buchanan Boulevard, if extended, and extending eastward to Mangum Street was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: STOP SIGNS - COUNTRY CLUB HEIGHTS**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

- a. Continental Drive at Country Club Drive, southeast and northwest corners;
- b. Country Club Drive at Umstead Road, southwest corner; and
- c. Country Club Drive at Country Club Drive, northeast corner.

**SUBJECT: YIELD SIGNS - TRINITY PARK (TRAFFIC CIRCLES)**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt an ordinance to repeal Ordinance #2077, adopted 7-16-62, which authorized the installation of stop signs on Dollar Avenue at Englewood Avenue, northwest and southeast corners and on Dollar Avenue at Knox Street, northwest and southeast corners; and

To adopt an ordinance authorizing the installation of yield signs on Englewood Avenue at Dollar Avenue, Dollar Avenue at Englewood Avenue, Knox Street at Dollar Avenue, and Dollar Avenue at Knox Street was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[GENERAL BUSINESS AGENDA]**

**[PUBLIC HEARINGS]**

**SUBJECT: Sewer Main - Oakview Street** from Pennock Road to West  
Property Line Tax Map 636-8-15 Mini Assessment Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to find that the property of Bobby L. Shepherd, identified as Tax Map #636-8-16, 4020 Oakview Street, Lots 5 and 6, has benefited from the sewer main improvement on Oakview Street and to confirm the assessment in the amount of \$4,539.73 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro

Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: Water Main - Oakview Street** from Pennock Road to West  
Property Line Tax Map 636-8-15 - Mini Assessment Roll

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to find that the property of Bobby L. Shepherd, identified as Tax Map #636-8-16, 4020 Oakview Street, Lots 5 and 6, has benefited from the water main improvement on Oakview Street and to confirm the assessment in the amount of \$2,437.03 was approved at 8:49 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: Sidewalk - Hillsborough Road (South Side)** from Erwin  
Square East to Ninth Street (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt a resolution ordering sidewalk improvements on Hillsborough Road (South Side) from Erwin Square east to Ninth Street under the Enabling Act Authority was approved at 8:50 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: Sidewalk - Morehead Avenue (South Side)** from Anderson  
Street East to Chapel Hill Road (Enabling Act Authority)

To adopt a resolution ordering sidewalk improvements on Morehead Avenue (South Side) from Anderson Street east to Chapel Hill Road.

Lee Murphy, of the Public Works Division, requested that the public hearing be continued and the item referred to the Public Works Committee.

**MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to continue the public hearing to the December 20, 1999 City Council Meeting and to refer the item to the Public Works

Committee was approved at 8:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ANNEXATION - HOPE CREEK (FY 2000-04)**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Blyth to receive citizens' comments concerning the annexation of Hope Creek, consisting of 58.97 acres contiguous to the City limits located at the intersection of Pickett Road and Cambridge Drive, adjacent to Pickett's Crossing Subdivision; and

To adopt "An Ordinance Annexing to the City of Durham an Area Hereinafter Described and Which Abuts Directly on the Present Corporate Boundary of the City of Durham, under the Provisions of NCGS 160A-31 Et. Seq. (Hope Creek)" was approved at 8:51 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: HISTORIC LANDMARK DESIGNATIONS**

a. LD99-1 - The Teemark Building, 212 Main Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to receive citizens' comments concerning the designation of The Teemark Building, 212 Main Street as a Durham Historic Landmark; and

To adopt "An Ordinance Providing for the Designation of The Teemark Building as a City of Durham Historic Landmark" was approved at 8:53 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

b. LD99-2 - The B. L. Duke Warehouse, Liggett and Corporation Streets

As this was the time and place set for the public hearing, anyone

interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Council Member Larson to receive citizens' comments concerning the designation of The B. L. Duke Warehouse as a Durham Historic Landmark; and

To adopt "An Ordinance Providing for the Designation of The B. L. Duke Warehouse as a City of Durham Historic Landmark" was approved at 8:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

c. LD99-3 - The Mason-Jones House, 1702 Vista Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Blyth to receive citizens' comments concerning the designation of The Mason-Jones House as a Durham Historic Landmark; and

To adopt "An Ordinance Providing for the Designation of The Mason-Jones House as a City of Durham Historic Landmark" was approved at 8:54 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

d. LD99-4 - The Crowell House, 504 Watts Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Blyth seconded by Council Member Larson to receive citizens' comments concerning the designation of The Crowell House as a Durham Historic Landmark; and

To adopt "An Ordinance Providing for the Designation of The Crowell House as a City of Durham Historic Landmark" was approved at 8:55 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-15, RDSK, LLC, WEST SIDE OF MIAMI**

## **BOULEVARD AT THE LUMLEY ROAD INTERSECTION**

Case: P99-15 (Continued from the November 1, 1999 City Council Meeting)

Applicant: RDSK, LLC

Location: 20.84 acre site located on the west side of South Miami Boulevard at the Lumley Road intersection (Tax Map 645, Block 1, Lots 7, 8, 9, 10, 11, 12)

Request: Rezoning from R-20 (Residential 20 District) and NC (Neighborhood Commercial District) to I-2 (Light Industrial District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and NC and placing same in and establishing same as I-2.

Zoning Committee's Recommendation and Vote: Approval (6-1)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, noted the applicant was requesting a 30 day deferral. He also stated the applicant would be adding a development plan.

**MOTION** by Council Member Larson seconded by Council Member Langley to defer this rezoning item for 30 days was approved at 8:56 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

## **SUBJECT: ZONING MATTER CASE P99-47, ENTITY STRUCTURES, EAST SIDE OF COOK ROAD, SOUTH OF ARBORFIELD SUBDIVISION**

Case: P99-47

Applicant: Entity Structures

Location: 8.06 acres on the east side of Cook Road, south of Arborfield Subdivision (Tax Map 518-3-1, 2, and 3)

Request: Rezoning from R-20 (Residential 20 District) to PDR-3.97 (Planned Density Residential District with a Maximum of 3.97 Dwelling Units Per Acre)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR-3.97.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, briefed council on this rezoning request. He noted the staff recommended

approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Council Member Jacobs to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of R-20 and placing same in and establishing same as PDR-3.97 was approved at 8:57 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-55, ABBOTT FENCING & WELDING, INC., 304 SOUTH PLUM STREET**

Case: P99-55

Applicant: Abbott Fencing & Welding, Inc.

Location: .366 acre undeveloped tract at 304 S. Plum Street (Tax Map 135-1-6)

Request: Rezoning from OI-2 (General Office and Institutional District) to CT (Commercial Trade District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2 and placing same in and establishing same as CT.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, made a brief presentation on this rezoning request. He noted the staff recommended approval.

As this was the time and place set for the public hearing, anyone was given the opportunity to be heard.

### **Proponents**

John Hodge, representing the applicant, spoke in support of the rezoning.

No one spoke in opposition. The public hearing was closed by Mayor Tennyson.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above



described property out of OI-2 and placing same in and establishing same as CT was approved at 8:59 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ZONING MATTER CASE P99-62, VANCE M. AND BETTY J. BROWN,  
1337 LYNLEY ROAD**

Case: P99-62

Applicant: Vance M. and Betty J. Brown

Location: 1337 Lynley Road

Request: Rezoning from RD (Rural District) to R-15 (Residential 15 District)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as R-15.

Zoning Committee's Recommendation and Vote: Approval (7-0)

City/County Planning Department's Recommendation: Approval

Dick Hails, of the City/County Planning Department, made a brief presentation on this rezoning request. He noted the staff recommended approval.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of RD and placing same in and establishing same as R-15 was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

#### **[OTHER MATTERS]**

**SUBJECT: SPECIAL EVENTS PARKING FEE**

**MOTION** by Council Member Blyth seconded by Mayor Pro Tempore Clement to receive a report from the Administration concerning the special events parking fee was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs,

Langley, Larson, McKissick, Stith and Wagstaff. Noes: None.  
Absent: None.

**NOTE: The following items were placed on the General Business Agenda because the November 25 Finance Committee Meeting was not held due to the Thanksgiving Holiday.**

**SUBJECT: \$2,700,000 DRINKING WATER STATE REVOLVING LOAN FUND**

**MOTION** by Council Member Larson seconded by Council Member Blyth to adopt a "Resolution Authorizing the City Manager to Accept a Loan Offered by the State of North Carolina for Aid in Funding the Rehabilitation and Upgrading of the Williams and Brown Water Treatment Plants"; and

To adopt a "Capital Project Ordinance Amending Ordinance #11270 Concerning Williams Water Treatment Plant Rehabilitation"; and

To adopt a "Capital Project Ordinance Superseding Ordinance #11751 Concerning Brown Water Treatment Plant Rehabilitation" was approved at 9:01 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: PRIVATE SALE OF PROPERTY AT 847 ESTES STREET (CITY TRACT #1836) AND 870 ESTES STREET (CITY TRACT #1844) SOUTHWEST CENTRAL DURHAM REVITALIZATION**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to accept the offer of \$80,000 from Joseph M. Guthrie to purchase the property at 847 Estes Street; and

To accept the offer of \$59,430 from Jeannett Ferguson to purchase the property at 870 Estes Street; and

To authorize the conveyance of each property by a non-warranty deed with appropriate deed restrictions was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SELECTION OF COLLECTION AGENCY FOR DELINQUENT PARKING TICKETS - LAW ENFORCEMENT SYSTEMS, INC.**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to accept the proposal on a contingent fee basis (35% of revenue collected) from Law Enforcement Systems, Inc. to provide collection services to the City of Durham for delinquent parking tickets was approved at 9:02 p.m. by the following vote: Ayes:

Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: ORDINANCE EXTENDING THE SUNSET PERIOD FOR THE ORDINANCE TO PROMOTE CITY CONTRACTING WITH MINORITY AND WOMEN BUSINESS ENTERPRISES**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to adopt an "Ordinance Extending the Sunset Period for the Ordinance to Promote City Contracting with Minority and Women Business Enterprises" was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: FIVE-YEAR CONSOLIDATED PLAN SUBRECIPIENT CONTRACT - FREEMAN CONSULTING, INC.**

**MOTION** by Council Member Larson seconded by Mayor Pro Tempore Clement to authorize the City Manager to execute a Community Development Block Grant (CDBG) subrecipient contract with Freeman Consulting, Inc. in the amount of \$42,300 to develop the Five-Year Consolidated Plan for submission to the U. S. Department of Housing and Urban Development, and to make minor changes in the subrecipient contract consistent with this authority was approved at 9:02 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: FINAL DOCUMENT APPROVAL - TRIANGLE RESIDENTIAL OPTIONS FOR SUBSTANCE ABUSERS (TROSA), INC. - \$300,000 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) GRANT FOR DRIVER STREET SCHOOL RENOVATIONS**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to execute a Subrecipient Grant Agreement with TROSA, Inc. in an amount not to exceed \$300,000 from 1998-99 and 1999-00 Community Development Block Grant (CDBG) funds, and to execute related closing documents, and to make minor changes to the Subrecipient Grant Agreement and other related closing documents as are consistent with the grant terms and CDBG requirements as published by the Department of Housing and Urban Development (HUD); and

To find and determine that funds for this project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 9:03 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members

Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: FINAL DOCUMENT APPROVAL - AIDS COMMUNITY RESIDENTIAL ASSOCIATION (ACRA), INC. - \$179,002 LOAN FROM 1996 HOUSING BOND FUNDS FOR TRANSITIONAL HOUSING**

**MOTION** by Council Member Larson seconded by Council Member Blyth to authorize the City Manager to execute a Construction/ Permanent Loan Agreement with ACRA, Inc. in an amount not to exceed \$179,002 from 1996 Housing Bond Funds, and to execute related loan closing documents, and to make minor changes to the Construction/Permanent Loan Agreement and other related loan closing documents as are consistent with the loan terms and the 1996 Housing Bond Program requirements approved by City Council; and

To find and determine that mortgage loans for this transitional housing project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 9:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: SPECIAL CITY COUNCIL MEETING - WORKING MEETING/RETREAT**

**MOTION** by Council Member Larson seconded by Council Member Langley to schedule a special City Council meeting on Friday, January 7, 2000, 8:30 a.m. to 5:00 p.m. and Saturday, January 8, 2000, 8:30 a.m. to 5:00 p.m. for the purpose of holding a working meeting/retreat (Meeting place to be announced) was approved at 9:05 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**SUBJECT: DISCUSSION ON SCHEDULING OF JOINT MEETING WITH DURHAM CITY COUNCIL, DURHAM COUNTY BOARD OF COMMISSIONERS AND ORANGE COUNTY BOARD OF COMMISSIONERS IN CHAPEL HILL**

**MOTION** by Council Member Larson seconded by Council Member Langley to discuss Council's desire to schedule a joint meeting with Durham City Council, Durham County Board of Commissioners and Orange County Board of Commissioners (between January 18 and the end of February, 2000) for the purpose of discussing issues of mutual interest (transportation, land use and solid waste disposal being the three most obvious issues) was approved at 9:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[SUPPLEMENTAL ITEMS]**

**SUBJECT: RESOLUTION SETTING A PUBLIC HEARING TO CONSIDER A  
PROPOSED ZONING ORDINANCE TEXT AMENDMENT CONCERNING  
PERMITTED USES IN THE COMMERCIAL TRADE (CT) ZONING  
DISTRICT**

**MOTION** by Council Member Larson seconded by Council Member Burnette to adopt a resolution setting a public hearing on Monday, December 20, 1999 to consider an amendment to the text of the Zoning Ordinance, Section 4D.5.2, to add "Artist Galleries" and "Artist Studios" as permitted uses in the Commercial Trade (CT) Zoning District was approved at 9:07 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

(Joint City/County Planning Committee's Recommendation: Approval)

**SUBJECT: ANALYSIS OF TRIANGLE TOWNSHIP PLAN AS IT RELATES TO THE  
I-40/FAYETTEVILLE ROAD CORRIDOR**

A motion was made by Council Member Larson to approve the item as printed on the agenda. This motion was seconded by Council Member Blyth.

Council Member McKissick made available to council the draft scope of services for consultant assistance as requested by the Joint City/County Planning Committee. He requested that the draft scope of services be adopted as a friendly amendment to the motion.

Council Member Larson noted he would accept as a friendly amendment "consistent with the draft scope of services."

**MOTION** by Council Member Larson seconded by Council Member Blyth to direct the City Manager to instruct City Staff to prepare an expedited schedule and process to carry out an analysis of the Triangle Township Plan as it relates to the changes that are necessary to that Plan to reflect the high intensity uses [along the I-40/Fayetteville Road Corridor] consistent with the draft scope of services; and to indicate how that intensity will be addressed--decreasing away from that site was approved at 9:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[ITEM ADDED TO THE AGENDA]**

**SUBJECT: SPECIAL JOINT CITY COUNCIL/DURHAM COUNTY BOARD OF**

**COMMISSIONERS MEETING - MONDAY, JANUARY 3, 2000, 4:00  
P.M., CITY COUNCIL CHAMBERS**

**MOTION** by Council Member Blyth seconded by Council Member Larson to set a Special Joint City Council/Durham County Board of Commissioners Meeting on Monday, January 3, 2000, 4:00 p.m., City Council Chambers, 1) to receive a briefing on the Merger Study Committee's Report; 2) to consider a Charter Commission and Cost Benefit Analysis; and 3) to receive citizens' comments; and any other matters that may come before the joint governing bodies was approved at 9:18 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick, Stith and Wagstaff. Noes: None. Absent: None.

**[ITEMS PULLED FROM THE CONSENT AGENDA]**

**SUBJECT: CONTRACT WS-75, PARK CONSTRUCTION CORPORATION - WATER AND  
SEWER UTILITY IMPROVEMENTS**

To authorize the City Manager to execute a contract with Park Construction Corporation in the amount of \$2,757,628.70 for Contract WS-75; and

To authorize the expenditure of \$1,434,000 from the Sewer Extensions and Improvements Account; \$122,000 from the Sewer Rehabilitation Account; \$1,503,000 from the Water Extensions and Improvements Account and \$378,000 from the Two-Inch Replacement Account for Contract WS-75.

Carl Norris, representing Norris Construction Company, spoke in opposition to this item. He asked that the contract be awarded to his firm because he was the low bidder.

Gwen Carter, of the Equity Assurance Office, stated that the Norris Construction Company had failed to meet the city's M/WBE ordinance. She stated that Norris Construction Company did not make an effort to solicit minority-owned firms for participation.

Council Member Blyth spoke in support of awarding the contract to Norris Construction Company. She noted that Norris Construction Company only had one subcontracting opportunity which went to a female-owned firm.

A motion was made by Council Member Blyth to award the contract to Norris Construction Company. This motion was seconded by Mayor Pro Tempore Clement.

**SUBSTITUTE MOTION** by Council Member McKissick seconded by Council Member Langley to authorize the City Manager to execute a contract with Park Construction Corporation in the amount of \$2,757,628.70 for Contract WS-75; and

To authorize the expenditure of \$1,434,000 from the Sewer

Extensions and Improvements Account; \$122,000 from the Sewer Rehabilitation Account; \$1,503,000 from the Water Extensions and Improvements Account and \$378,000 from the Two-Inch Replacement Account for Contract WS-75 was approved at 10:00 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Members Blyth, Burnette, Cheek and Wagstaff. Absent: None.

**SUBJECT: RESOLUTION HONORING ANN DENLINGER**

To direct the City Clerk to draft a resolution honoring Ann Denlinger on being named North Carolina School Superintendent of the Year.

Steve Hopkins spoke in opposition to this item.

Council Member Wagstaff spoke in opposition to this item.

Council Member McKissick requested that an item be placed on the Public Works Committee agenda to discuss a possible meeting between the City Council and the Durham Public Schools Board.

**MOTION** by Mayor Pro Tempore Clement seconded by Council Member Larson to direct the City Clerk to draft a resolution honoring Ann Denlinger on being named North Carolina School Superintendent of the Year was approved at 10:15 p.m. by the following vote: Ayes: Mayor Tennyson, Mayor Pro Tempore Clement and Council Members Blyth, Burnette, Cheek, Edwards, Hill, Jacobs, Langley, Larson, McKissick and Stith. Noes: Council Member Wagstaff. Absent: None.

There being no further business to come before the Council, the meeting was adjourned at 10:16 p.m.

D. Ann Gray, CMC  
Deputy City Clerk

